

APPEAL NO. 022203
FILED SEPTEMBER 30, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 2, 2002. The hearing officer resolved the disputed issue by deciding that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 12th quarter. The claimant appeals on sufficiency grounds and the respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

Section 408.142(a) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102) set out the statutory and administrative rule requirements for SIBs. At issue in this case is whether the claimant met the good faith job search requirements of Section 408.142(a)(4) and Rule 130.102(b)(2). The parties stipulated that the claimant sustained a compensable injury on _____, with an 18% impairment rating and that the qualifying period for the 12th quarter was from December 29, 2001, through March 29, 2002.

The hearing officer found that the claimant had not made the requisite good faith effort and determined that he is not entitled to SIBs for the 12th quarter. The hearing officer's decision reflects that he did consider the factors listed in Rule 130.102(e) in making his determination. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We will not substitute our judgment for that of the hearing officer where, as here, his determinations are supported by sufficient evidence. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). Likewise, the fact that the evidence could have allowed different inferences does not provide a sufficient basis for reversing the hearing officer's decision on appeal. Texas Workers' Compensation Commission Appeal No. 94281, decided April 20, 1994 (Unpublished). We are satisfied that the challenged findings are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS
350 NORTH ST. PAUL, SUITE 2900
DALLAS, TEXAS 75201.**

Margaret L. Turner
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Gary L. Kilgore
Appeals Judge